

ESTTA Tracking number: **ESTTA381206**

Filing date: **12/01/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	U.O. Merchandise, Inc.
Granted to Date of previous extension	12/18/2010
Address	5000 South Broad Street Philadelphia, PA 19112 UNITED STATES
Attorney information	William J. Lehane Drinker Biddle & Reath One Logan Sq. 18th & Cherry Streets Philadelphia, PA 19103 UNITED STATES dctrademarks@db.com, anthony.palumbo@db.com, william.lehane@db.com

Applicant Information

Application No	85039301	Publication date	10/19/2010
Opposition Filing Date	12/01/2010	Opposition Period Ends	12/18/2010
Applicant	Nufarm Americas Inc. Suite 200 150 Harvester Drive Burr Ridge, IL 60527 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Herbicides; Pesticides

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3636692	Application Date	07/30/2007
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	TERRAIN		

Design Mark	<h1>TERRAIN</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/06/06 First Use In Commerce: 2008/06/06 Retail lawn, garden and nursery stores; retail gift shops Class 043. First use: First Use: 2008/06/06 First Use In Commerce: 2008/06/06 Restaurant services Class 044. First use: First Use: 2008/06/06 First Use In Commerce: 2008/06/06 Landscape gardening; lawn and yard care services; tree and shrubbery care services

U.S. Registration No.	3579583	Application Date	07/07/2008
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	TERRAIN AT STYER'S		
Design Mark	<h1>TERRAIN AT STYER'S</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/04/25 First Use In Commerce: 2008/06/06 Retail gift shops; Retail lawn, garden and nursery stores; Retail store services featuring housewares, books, soaps, lotions, home fragrances, outdoor furniture Class 043. First use: First Use: 2008/04/25 First Use In Commerce: 2008/06/06 Restaurant services Class 044. First use: First Use: 2008/02/01 First Use In Commerce: 2008/07/01 Landscape gardening; Lawn care; Tree care services		

U.S. Application No.	77241618	Application Date	07/30/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	TERRAIN
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 008. First use: Gardening tools, namely, hoes, rakes, spades, trowels, weeding forks, shears, hand tools in the nature of clippers</p> <p>Class 020. First use: Indoor and outdoor furniture; wind chimes</p> <p>Class 021. First use: Flower pots, planters for flowers and plants, gardening gloves; decorative plates, bowls and cups</p> <p>Class 031. First use: Live plants, trees, bushes and shrubs excluding wine grapes and alfalfa; live and cut flowers; seeds for plants, flowers and grass excluding wine grapes and alfalfa; bulbs</p>

Attachments	<p>77976106#TMSN.jpeg (1 page)(bytes)</p> <p>77515551#TMSN.jpeg (1 page)(bytes)</p> <p>77241618#TMSN.jpeg (1 page)(bytes)</p> <p>0690_001.pdf (25 pages)(799081 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/anthony j. palumbo/
Name	Anthony J. Palumbo
Date	12/01/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Serial No. 85/039,301 – TERRAIN

Filed: May 14, 2010

Published: October 19, 2010

U.O. MERCHANDISE, INC., :

Opposer, :

v. : Opposition No. _____

NUFARM AMERICAS INC., :

Applicant. :

NOTICE OF OPPOSITION

U.O. Merchandise, Inc., a Pennsylvania corporation having a business address at 5000 South Broad Street, Philadelphia, Pennsylvania 19112 (“Opposer”), believes it will be damaged by the registration of the mark shown in application Serial No. 85/039,301 (“Application”) – TERRAIN for “herbicides; pesticides,” in Class 5 (referred to herein as “Applicant’s Goods”), filed on an intent-to-use basis on May 14, 2010 by Nufarm Americas Inc., an Illinois corporation having a business address at 150 Harvester Drive, Suite 200, Burr Ridge, Illinois 60527 (“Applicant”); and hereby opposes the same pursuant to §13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the following registrations:

Registration No. 3,636,692 – TERRAIN for “retail lawn, garden and nursery stores; retail gift shops,” in Class 35; “restaurant services,” in Class 43; and “landscape gardening; lawn and yard care services; tree and shrubbery care services,” in Class 44; filed July 30, 2007 and registered June 9, 2009 (use in commerce since June 6, 2008).

Registration No. 3,579,583 – TERRAIN AT STYER’S for “retail gift shops; retail lawn, garden and nursery stores; retail store services featuring housewares, books, soaps, lotions, home fragrances, outdoor furniture,” in Class 35; “restaurant services,” in Class 43; and “landscape gardening; lawn care; tree care services,” in Class 44; filed July 7, 2008 and registered February 24, 2009 (use in commerce since June 6, 2008 as to Classes 35 and 43, and July 1, 2008 as to Class 44).

A true and correct copy of the U.S. Patent and Trademark Office’s TARR reports setting forth the particulars of the above-listed registrations and copies of the cited registrations are attached hereto as Exhibit A.

2. Opposer is the owner of the following allowed application:

Serial No. 77/241,618 – TERRAIN for “gardening tools, namely, hoes, rakes, spades, trowels, weeding forks, shears, hand tools in the nature of clippers,” in Class 8; “indoor and outdoor furniture; wind chimes,” in Class 20; “flower pots, planters for flowers and plants, gardening gloves; decorative plates, bowls and cups,” in Class 21; and “live plants, trees, bushes and shrubs excluding wine grapes and alfalfa; live and cut flowers; seeds for plants, flowers and grass excluding wine grapes and alfalfa; bulbs,” in Class 31; filed July 30, 2007 and allowed April 15, 2008.

A true and correct copy of the U.S. Patent and Trademark Office’s TARR report setting forth the particulars of the above-listed application is attached hereto as Exhibit B.

3. As early as June 6, 2008, Opposer, through its predecessor and related companies, has continuously used the mark TERRAIN® in commerce for services in the field of lawn, garden and nursery stores, restaurants, and landscape and yard care.

4. As early as June 6, 2008, Opposer, through its predecessor and related companies, has continuously used the mark TERRAIN AT STYER’S® in commerce for services in the field of lawn, garden and nursery stores, retail stores and restaurants.

5. As early as July 1, 2008, Opposer, through its predecessor and related companies, has continuously used the mark TERRAIN AT STYER’S® in commerce for services in the field of landscape and yard care.

6. The Application was filed by Applicant on May 14, 2010 covering “herbicides; pesticides” in Class 5, on an intent-to-use basis.

7. On information and belief, Applicant has not used the mark TERRAIN in connection with Applicant’s Goods prior to the May 14, 2010 filing date of application Serial No. 85/039,301.

8. On information and belief, Applicant has not used the mark TERRAIN in connection with any goods sold or transported in the ordinary course of trade in the United States prior to the May 14, 2010 filing date of application Serial No. 85/039,301.

9. On information and belief, Applicant has not used the mark TERRAIN in connection with any goods sold or transported in the ordinary course of trade in the United States as of the filing date of this opposition.

10. The earliest priority date on which Applicant can rely in connection with the goods covered by application Serial No. 85/039,301 is the May 14, 2010 filing date.

11. The goods for which Applicant has applied to register the TERRAIN mark in Class 5 and the services offered by Opposer in connection with its TERRAIN® and TERRAIN AT STYER’S® marks are related and similar.

12. The goods for which Applicant has applied to register the TERRAIN mark in Class 5 and the goods Opposer intends to offer in connection with its allowed TERRAIN trademark application are related and similar.

13. The goods for which Applicant has applied to register the TERRAIN mark in Class 5 and the services offered by Opposer in connection with its TERRAIN® and TERRAIN AT STYER’S® marks may be offered or sold through the same channels of trade.

14. The goods for which Applicant has applied to register the TERRAIN mark in Class 5 and the goods Opposer intends to offer in connection with its allowed TERRAIN trademark application may be offered or sold through the same channels of trade.

15. The goods for which Applicant has applied to register the TERRAIN mark in Class 5 and the services offered by Opposer in connection with its TERRAIN® and TERRAIN AT STYER'S® marks may be offered or sold to the same class of purchasers.

16. The goods for which Applicant has applied to register its TERRAIN mark in Class 5 and the goods Opposer intends to offer in connection with its allowed TERRAIN trademark application may be offered or sold to the same class of purchasers.

17. Applicant's TERRAIN mark is identical in appearance, sound and commercial impression as Opposer's TERRAIN® and allowed TERRAIN marks.

18. Applicant's TERRAIN mark is nearly identical in appearance, sound and commercial impression as Opposer's TERRAIN AT STYER'S® mark.

19. Applicant's TERRAIN mark is the initial, dominant term found in Opposer's TERRAIN AT STYER'S® mark.

20. Applicant's use and registration of TERRAIN in connection with Applicant's Goods is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from Opposer, or that they are endorsed, licensed or sponsored by, or in some other way associated or connected with Opposer, in view of Opposer's TERRAIN® and TERRAIN AT STYER'S® registrations, all to Opposer's irreparable damage.

21. Applicant's use and registration of TERRAIN in connection with Applicant's Goods is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from Opposer, or that they are endorsed, licensed or sponsored by,

or in some other way associated or connected with Opposer, in view of Opposer's allowed TERRAIN application, all to Opposer's irreparable damage.

22. Opposer will be injured by the registration of Applicant's TERRAIN mark because this would falsely suggest a connection between Applicant and Opposer.

23. Upon information and belief, Applicant's registration should be denied because Applicant did not have a bona fide intent to use the TERRAIN mark in commerce for the goods specified in the Application when filed by the Applicant.


For the reasons set forth in ¶¶1-23, Opposer believes and believing assert that it will be damaged by the registration of the mark in application Serial No. 85/039301 – TERRAIN. Accordingly, Opposer prays that this opposition be sustained and that Applicant be refused registration of the TERRAIN mark for the goods set forth in application Serial No. 85/039301.

The filing fee for this Notice of Opposition is being paid electronically. If for any reason the electronic payment is rejected, or if additional fees are required, please charge them to the deposit account of the undersigned, No. 50-0573.

Respectfully submitted,

U.O. MERCHANDISE, INC.

By:

 For

William J. Lehane
Drinker Biddle & Reath LLP
One Logan Square, Ste. 2000
Philadelphia, PA 19103-6996
(215) 988-2938
Fax: (215) 988-2757
Attorneys for Opposer

Exhibit A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-12 17:56:01 ET

Serial Number: 77976106 Assignment Information Trademark Document Retrieval

Registration Number: 3636692

Mark

TERRAIN

(words only): TERRAIN

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-06-09

Filing Date: 2007-07-30

Transformed into a National Application: No

Registration Date: 2009-06-09

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-05-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. U.O. MERCHANDISE, INC.

Address:

U.O. MERCHANDISE, INC.
5000 SOUTH BROAD STREET
PHILADELPHIA, PA 191121495
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Pennsylvania

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail lawn, garden and nursery stores; retail gift shops

Basis: 1(a)**First Use Date:** 2008-06-06**First Use in Commerce Date:** 2008-06-06**International Class:** 043**Class Status:** Active

Restaurant services

Basis: 1(a)**First Use Date:** 2008-06-06**First Use in Commerce Date:** 2008-06-06**International Class:** 044**Class Status:** Active

Landscape gardening; lawn and yard care services; tree and shrubbery care services

Basis: 1(a)**First Use Date:** 2008-06-06**First Use in Commerce Date:** 2008-06-06

ADDITIONAL INFORMATION

Prior Registration Number(s):

3579583

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-07 - Automatic Update Of Assignment Of Ownership

2009-09-30 - Automatic Update Of Assignment Of Ownership

2009-06-09 - Registered - Principal Register

2009-05-07 - Law Office Registration Review Completed

2009-05-07 - Assigned To LIE

2009-05-07 - Allowed for Registration - Principal Register (SOU accepted)

2009-04-24 - Teas/Email Correspondence Entered

2009-04-24 - Communication received from applicant

2009-04-24 - TEAS Response to Office Action Received

2008-10-24 - Notification Of Non-Final Action E-Mailed

2008-10-24 - NON-FINAL ACTION E-MAILED

2008-10-24 - SU - Non-Final Action - Written

2008-10-15 - Statement Of Use Processing Complete

2008-10-13 - Use Amendment Filed

2008-10-15 - Divisional processing completed

2008-10-10 - Divisional request received

2008-10-15 - Case Assigned To Intent To Use Paralegal

2008-10-10 - FAX RECEIVED

2008-10-15 - Case Assigned To Intent To Use Paralegal

2008-10-13 - TEAS Statement of Use Received

2008-10-10 - Extension 1 granted

2008-10-10 - Extension 1 filed

2008-10-10 - TEAS Extension Received

2008-10-01 - Assigned To Examiner

2008-04-15 - NOA Mailed - SOU Required From Applicant

2008-01-22 - Published for opposition
2008-01-02 - Notice of publication
2007-12-19 - Law Office Publication Review Completed
2007-12-19 - Assigned To LIE
2007-11-09 - Approved For Pub - Principal Register
2007-11-09 - Examiner's Amendment Entered
2007-11-09 - Notification Of Examiners Amendment E-Mailed
2007-11-09 - EXAMINERS AMENDMENT E-MAILED
2007-11-09 - Examiners Amendment - Written
2007-10-24 - Notification Of Non-Final Action E-Mailed
2007-10-24 - Non-final action e-mailed
2007-10-24 - Non-Final Action Written
2007-10-16 - Assigned To Examiner
2007-08-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

William J. Lehane

Correspondent

WILLIAM J. LEHANE
DRINKER BIDDLE & REATH LLP
18TH & CHERRY STREETS
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
Phone Number: 215-988-2938
Fax Number: 215-988-2757

Int. Cls.: 35, 43, and 44

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 3,636,692

United States Patent and Trademark Office

Registered June 9, 2009

SERVICE MARK
PRINCIPAL REGISTER

TERRAIN

URBAN OUTFITTERS (DELAWARE), INC.
(PENNSYLVANIA CORPORATION)
5000 SOUTH BROAD STREET
PHILADELPHIA, PA 191121495

FOR: RETAIL LAWN, GARDEN AND NURSERY
STORES; RETAIL GIFT SHOPS, IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 6-6-2008; IN COMMERCE 6-6-2008.

FOR: RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).

FIRST USE 6-6-2008; IN COMMERCE 6-6-2008.

FOR: LANDSCAPE GARDENING; LAWN AND
YARD CARE SERVICES; TREE AND SHRUBBERY
CARE SERVICES, IN CLASS 44 (U.S. CLS. 100 AND
101).

FIRST USE 6-6-2008; IN COMMERCE 6-6-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,579,583.

SN 77-976,106, FILED 7-30-2007.

AMY C. KEAN, EXAMINING ATTORNEY

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Assignments on the Web > Trademark Query****Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [77976106](#)**Filing Dt:** 07/30/2007**Reg #:** [3636692](#)**Reg. Dt:** 06/09/2009**Registrant:** Urban Outfitters (Delaware), Inc.**Mark:** TERRAIN**Assignment: 1****Reel/Frame:** [4066/0529](#)**Received:** 09/23/2009**Recorded:** 09/23/2009**Pages:** 10**Conveyance:** MERGER**Assignor:** [URBAN OUTFITTERS \(DELAWARE\), INC.](#)**Exec Dt:** 11/07/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** [U.O. MERCHANDISE, INC.](#)5000 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19112-1495**Correspondent:** WILLIAM J. LEHANE
ONE LOGAN SQUARE
18TH & CHERRY STREETS
PHILADELPHIA, PA 19103

Search Results as of: 11/12/2010 05:56 PM

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Web interface last modified: Apr 30, 2009 v.2.1[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-12 17:56:48 ET

Serial Number: 77515551 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3579583

Mark

TERRAIN AT STYER'S

(words only): TERRAIN AT STYER'S

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-02-24

Filing Date: 2008-07-07

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-02-24

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-02-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. U.O. MERCHANDISE, INC.

Address:

U.O. MERCHANDISE, INC.
5000 SOUTH BROAD STREET
PHILADELPHIA, PA 191121495
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Pennsylvania

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail gift shops; Retail lawn, garden and nursery stores; Retail store services featuring housewares, books, soaps, lotions, home fragrances, outdoor furniture

Basis: 1(a)**First Use Date:** 2008-04-25**First Use in Commerce Date:** 2008-06-06**International Class:** 043**Class Status:** Active

Restaurant services

Basis: 1(a)**First Use Date:** 2008-04-25**First Use in Commerce Date:** 2008-06-06**International Class:** 044**Class Status:** Active

Landscape gardening; Lawn care; Tree care services

Basis: 1(a)**First Use Date:** 2008-02-01**First Use in Commerce Date:** 2008-07-01

ADDITIONAL INFORMATION

Name Portrait Consent: The name(s) "STYER" shown in the mark does not identify a particular living individual.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-07 - Automatic Update Of Assignment Of Ownership
2009-09-30 - Automatic Update Of Assignment Of Ownership
2009-02-24 - Registered - Principal Register
2008-12-09 - Published for opposition
2008-11-19 - Notice of publication
2008-10-31 - Law Office Publication Review Completed
2008-10-31 - Assigned To LIE
2008-10-23 - Approved for Pub - Principal Register (Initial exam)
2008-10-23 - Teas/Email Correspondence Entered
2008-10-23 - Communication received from applicant
2008-10-23 - TEAS Response to Office Action Received
2008-10-21 - Notification Of Priority Action E-Mailed
2008-10-21 - Priority Action E-Mailed
2008-10-21 - Priority Action Written
2008-10-14 - Assigned To Examiner
2008-07-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

William J. Lehane

Correspondent

WILLIAM J. LEHANE
DRINKER BIDDLE & REATH LLP
1 LOGAN SQ FL 18
PHILADELPHIA, PA 19103-6996
Phone Number: 215-988-2938
Fax Number: 215-988-2757

Int. Cls.: 35, 43 and 44

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,579,583

Registered Feb. 24, 2009

SERVICE MARK
PRINCIPAL REGISTER

TERRAIN AT STYER'S

URBAN OUTFITTERS, INC. (PENNSYLVANIA
CORPORATION)
5000 SOUTH BROAD STREET
PHILADELPHIA, PA 191121495

FOR: RETAIL GIFT SHOPS; RETAIL LAWN,
GARDEN AND NURSERY STORES; RETAIL
STORE SERVICES FEATURING HOUSEWARES,
BOOKS, SOAPS, LOTIONS, HOME FRAGRANCES,
OUTDOOR FURNITURE, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 4-25-2008; IN COMMERCE 6-6-2008.

FOR: RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).

FIRST USE 4-25-2008; IN COMMERCE 6-6-2008.

FOR: LANDSCAPE GARDENING; LAWN CARE;
TREE CARE SERVICES, IN CLASS 44 (U.S. CLS. 100
AND 101).

FIRST USE 2-1-2008; IN COMMERCE 7-1-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

THE NAME(S) "STYER" SHOWN IN THE MARK
DOES NOT IDENTIFY A PARTICULAR LIVING
INDIVIDUAL.

SER. NO. 77-515,551, FILED 7-7-2008.

JAY BESCH, EXAMINING ATTORNEY

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Assignments on the Web > Trademark Query****Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** 77515551**Filing Dt:** 07/07/2008**Reg #:** 3579583**Reg. Dt:** 02/24/2009**Registrant:** Urban Outfitters, Inc.**Mark:** TERRAIN AT STYER'S**Assignment: 1****Reel/Frame:** 4066/0529**Received:** 09/23/2009**Recorded:** 09/23/2009**Pages:** 10**Conveyance:** MERGER**Assignor:** URBAN OUTFITTERS (DELAWARE), INC.**Exec Dt:** 11/07/2008**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** U.O. MERCHANDISE, INC.5000 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19112-1495**Correspondent:** WILLIAM J. LEHANE
ONE LOGAN SQUARE
18TH & CHERRY STREETS
PHILADELPHIA, PA 19103

Search Results as of: 11/12/2010 05:56 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1

Web interface last modified: Apr 30, 2009 v.2.1

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Exhibit B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-12 17:55:31 ET

Serial Number: 77241618 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

TERRAIN

(words only): TERRAIN

Standard Character claim: Yes

Current Status: A request for the fifth extension of time to file a statement of use has been granted.

Date of Status: 2010-10-08

Filing Date: 2007-07-30

The Notice of Allowance Date is: 2008-04-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
KEAN AMY C

Current Location: 710 -Divisional Unit

Date In Location: 2008-10-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. U.O. MERCHANDISE, INC.

Address:

U.O. MERCHANDISE, INC.
5000 SOUTH BROAD STREET
PHILADELPHIA, PA 191121495
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Pennsylvania

GOODS AND/OR SERVICES

International Class: 008**Class Status:** Active

Gardening tools, namely, hoes, rakes, spades, trowels, weeding forks, shears, hand tools in the nature of clippers

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 020**Class Status:** Active

Indoor and outdoor furniture; wind chimes

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 021**Class Status:** Active

Flower pots, planters for flowers and plants, gardening gloves; decorative plates, bowls and cups

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 031**Class Status:** Active

Live plants, trees, bushes and shrubs excluding wine grapes and alfalfa; live and cut flowers; seeds for plants, flowers and grass excluding wine grapes and alfalfa; bulbs

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-09 - Notice Of Approval Of Extension Request E-Mailed

2010-10-08 - Extension 5 granted

2010-10-05 - Extension 5 filed

2010-10-05 - TEAS Extension Received

2010-05-11 - Notice Of Approval Of Extension Request E-Mailed

2010-05-10 - Extension 4 granted

2010-04-14 - Extension 4 filed

2010-04-14 - TEAS Extension Received

2009-10-07 - Automatic Update Of Assignment Of Ownership

2009-09-30 - Automatic Update Of Assignment Of Ownership

2009-09-24 - Extension 3 granted

2009-09-23 - Extension 3 filed

2009-09-23 - TEAS Extension Received

2009-03-31 - Extension 2 granted

2009-03-31 - Extension 2 filed

2009-03-31 - TEAS Extension Received

2008-10-15 - Divisional processing completed

2008-10-10 - Divisional request received

2008-10-15 - Case Assigned To Intent To Use Paralegal

2008-10-10 - FAX RECEIVED

2008-10-15 - Case Assigned To Intent To Use Paralegal

2008-10-10 - Extension 1 granted
2008-10-10 - Extension 1 filed
2008-10-10 - TEAS Extension Received
2008-10-01 - Assigned To Examiner
2008-04-15 - NOA Mailed - SOU Required From Applicant
2008-01-22 - Published for opposition
2008-01-02 - Notice of publication
2007-12-19 - Law Office Publication Review Completed
2007-12-19 - Assigned To LIE
2007-11-09 - Approved For Pub - Principal Register
2007-11-09 - Examiner's Amendment Entered
2007-11-09 - Notification Of Examiners Amendment E-Mailed
2007-11-09 - EXAMINERS AMENDMENT E-MAILED
2007-11-09 - Examiners Amendment -Written
2007-10-24 - Notification Of Non-Final Action E-Mailed
2007-10-24 - Non-final action e-mailed
2007-10-24 - Non-Final Action Written
2007-10-16 - Assigned To Examiner
2007-08-02 - New Application Entered In Tram

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PHILADELPHIA, PENNSYLVANIA 19112-1495**Correspondent:** WILLIAM J. LEHANE
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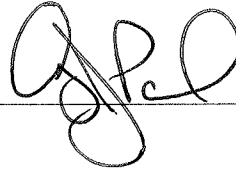
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served on Applicant's counsel of record at the following address of record, by First Class Mail this 1st day of December 2010.

Dianne M. Smith-Misemer
Hovey Williams LLP
10801 Mastin St.
Overland Park, KS 66210-1776

A handwritten signature in black ink, appearing to read 'DMS', is written over a horizontal line.